

Harman, 6030 F

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:

Bernhard Albicker

**GROUP**:

2685

**SERIAL NO:** 

09/758,552

**EXAMINER:** Sonny Trinh

FILED:

January 11, 2001

FOR:

APPARATUS AND METHOD FOR

AUTOMATICALLY FINDING A RADIO PROGRAM [as amended]

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

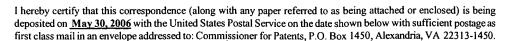
j

## PETITION TO REVIVE UNDER 37 C.F.R. §1.137(b)

The undersigned requests revival of the above identified unintentionally abandoned application.

When the application was filed on January 11, 2001 the undersigned submitted a nonpublication request with the above identified application.

While reviewing the application today in response to a telephone call with Examiner Trinh of the USPTO regarding claim dependencies, the undersigned noticed that the application had been filed with a signed non-publication request. However, there is a related German application that has been published. The related German application, DE 199 49 250 was filed on October 13, 1999. Although the present application does not claim priority to German application DE 199 49 250, the invention described in DE 199 49 250 appears to be similar to the invention of the present



Harman.6030

application. Therefore, there was indeed an application pending in another country that requires

publication at eighteen months after filing, contrary to the signed statement in the non-publication

request filed with the above identified application. Accordingly, the undersigned understands that

the present application may be considered abandoned under 35 U.S.C. §113(c).

The applicant hereby requests revival of the present application, if indeed considered

abandoned, since the present application may be deemed abandoned under 35 U.S.C. §113(c) since

the non-publication request was filed with the present application. The entire delay in filing a

response to the possible latent abandonment of this application has been unintentional.

Revival of this unintentionally abandoned application (if deemed abandoned per 35 U.S.C.

§113(c)) is respectfully requested.

A check in the amount of \$1,500 is enclosed herewith along with a Rescission of Previous

Nonpublication Request

Ş

If a telephone interview could assist in the prosecution of this application, please call the

undersigned attorney.

Respectfully submitted,

Patrick J. O'Shea

Reg. No. 35,305

O'Shea, Getz & Kosakowski, P.C.

1500 Main Street, Suite 912

Springfield, MA 01115

(413) 731-3100, Ext. 102